

ORIGINAL

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

703-0088

STIPULATED AGREEMENT No. 1050

This agreement made and entered into, by and between the State of Illinois acting by and through the Illinois Commerce Commission, hereinafter referred to as the "Commission", the CSX Transportation, Inc., hereinafter referred to as the "Company", Noble Township Road District, hereinafter referred to as the "Road District", and the State of Illinois, Department of Transportation, hereinafter referred to as the "Department".

WITNESSETH:

WHEREAS, it has come to the attention of the Commission through informal correspondence that inquiry should be made into the matter of improving public safety at the Clay Road (TR-4) highway/rail grade crossing of the Company's track located near Noble, Richland County ("County"), Illinois, designated as crossing DOT 152 884D, milepost 230.85-A; and

WHEREAS, proper investigation has been made of the circumstances surrounding the aforesaid crossing by a staff member of the Commission's Transportation Division, Railroad Section; and

WHEREAS, the physical aspects, including geometrics of the intersection, train movements, vehicular traffic volume, and sight distances and all other pertinent data relating to the crossing have been obtained and shown on Exhibit A, attached to the agreement; and

WHEREAS, the parties are mutually agreeable to accomplish the proposed improvements upon a determination of the Commission by Order.

NOW, THEREFORE in consideration of the premises and of the mutual covenants and agreements as hereinafter contained the parties pray that the Commission enter an Order according to the provisions of Section 18c-7401 of the Illinois Commercial Transportation Law requiring that certain improvements as hereinafter stated be made and that the cost for the proposed improvements be divided among the parties according to law and that in the interest of the statewide traveling public the Grade Crossing Protection Fund of the Motor Fuel Tax Law be required to bear a substantial portion of the cost; To Wit the parties agree as follows:

Section 1 All improvements encompassed by this agreement shall be made in accordance with all applicable State laws, rules, standards, regulations and Orders and procedures in general.

DOCKETED

Section 2 The parties are of the opinion that the proper improvements in the interest of public safety at the aforesaid crossing should be:

- a) The Company should remove the existing reflectorized crossbucks and install new automatic flashing light signals and gates controlled by motion sensor circuitry;
- b) The Road District should improve the highway approaches to the track to conform with requirements of 92 Illinois Administrative Code 1535.204;

Section 3 The Company has prepared a preliminary estimate of cost which is attached as Exhibit B, to accomplish the proposed improvements which it may be required to perform; The Company shall upon Order, according to the requirements contained therein, prepare detailed drawings, detailed circuit plans, estimates of cost, and any required specifications for the proposed improvements for the approval of the Commission and Department.

Section 4 The County on behalf of the Road district has prepared a preliminary estimate of cost which is attached as Exhibit C, to accomplish the proposed improvements which it may be required to perform; The County/Road district shall upon Order, according to the requirements contained therein, prepare detailed drawings, estimates of cost, and any required specifications for the proposed improvements for the approval of the Commission and Department.

Section 5 The Company and County/Road District shall each upon Order, according to the requirements contained therein, proceed toward the completion of the proposed improvements, accomplishing the work with its own forces or appropriate contracted services and agrees that an appropriate time for the submission of plans should be one hundred twenty (120) days, for the submission of progress reports should be six (6) months and for the completion of the proposed improvements should be twelve (12) months, from the date of Commission Order subsequent to this agreement.

Section 6 The parties hereto agree that an equitable division of cost for the proposed improvements should be:

- a) The cost to install automatic flashing light signals and gates is estimated at \$162,239. The Department, utilizing federal funding under ISTEA, should pay 100% of the actual project cost not to exceed \$162,239. The Company should pay any remaining installation cost as well as all future operating and maintenance costs;
- b) The cost to perform the highway approach improvement work is estimated at \$14,300. The Grade Crossing Protection Fund ("Fund") should pay 100% of the cost, not to exceed \$14,300. The Road District should pay all

remaining road construction costs, as well as all future maintenance costs;

Section 8 Special Provisions: Since federal funding is being utilized for the warning device improvements at the subject crossing, all such work shall be covered by appropriate provisions of Title 23, Chapter I, Subchapter G, Part 646 of the Federal-Aid Policy Guide adopted Dec. 9, 1991.

Since the warning device improvement at the subject crossing will be performed by railroad crews, no flagging or contractor liability insurance will be required for said work.

The Company and County/Road District shall each at six (6) month intervals from the date of Commission Order issued subsequent to this Agreement until the project is completed, file a written report with the Director of Processing and Information, Transportation Division of the Commission, stating the status of expenditures of the project and the percentage of completion of the project. If the project is behind schedule the report must include a brief explanation of the reason(s) for the delay.


All bills for expenditures authorized to be reimbursed from the Grade Crossing Protection Fund shall be submitted to Fiscal Control Unit of the Illinois Department of Transportation's Bureau of Local Roads and Streets, 2300 South Dirksen Parkway, Room 205, Springfield, Illinois, 62764. The Department shall send a copy of each bill received to the Director of Processing and Information, Transportation Division of the Commission. The final bill for expenditures from each party shall be clearly marked "Final Bill". All bills shall be submitted to the Department and Commission no later than twenty-four (24) months from the date of Commission Order subsequent to this agreement. Authorization for reimbursement from the Grade Crossing Protection Fund shall expire twelve (12) months after the completion date specified in the Order. The Department shall, at the end of the 24th month from the Commission's Order date, de-obligate all residual funds accountable for installation costs for this project.

The Company and County/Road District shall each at six (6) month intervals from the date of Commission's Order subsequent to this Agreement, submit written reports to the Director of Processing and Information, Transportation Division of the Commission, stating the progress it has made toward completion of the work herein required. Each progress report shall include the Commission Order number, the Order date, the project completion date as noted in the Order, crossing information (inventory number and railroad milepost), type of improvement, and the name, title, mailing address, phone number, facsimile number, and electronic mail address of the Company/County/Road District employee responsible for management of the project.

Since the crossing approach reconstruction improvements at the subject crossing will be performed by the Road District or their respective contractor crew, flagging and contractor liability insurance will be required for said work


In Witness Whereof, the parties have caused this agreement to be executed by their duly authorized officers, as of the dates indicated herein.

Executed by the Commission this 30th day of June, 2003.



Michael E. Stead
Railroad Safety Program Administrator

Attest:



Henry Humphries,
Railroad Safety Specialist

Illinois Commerce Commission Stipulated Agreement No. **1050** concerning improvements at the Clay Road (TR-4) highway/rail grade crossing of the CSX Transportation's track near Noble, Richland County, Illinois, designated as crossing AAR/DOT # 152 884D, Milepost 230.85-A.

Executed by the Road District this 3rd day of July 2003.

NOBLE TOWNSHIP ROAD DISTRICT

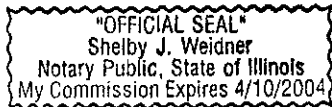
By: Ray Hancock

RECEIVED
JUL 7 2003

Illinois Commerce Commission
RAIL SAFETY SECTION

Attest:

Shelby Weidner



Illinois Commerce Commission Stipulated Agreement No. 1050 concerning improvements at the Clay Road (TR-4) highway/rail grade crossing of the CSX Transportation's track near Noble, Richland County, Illinois, designated as crossing AAR/DOT # 152 884D, Milepost 230.85-A.

Executed by the Company this 15 day of July 2003.

CSX TRANSPORTATION, INC.

By: Dale W. Ophardt
Dale W. Ophardt
Chief Engineer - Design & Construction

Attest:

Donna W. Melton
Assistant Corporate
Secretary

Illinois Commerce Commission Stipulated Agreement No. **1050** concerning improvements at the Clay Road (TR-4) highway/rail grade crossing of the CSX Transportation's track near Noble, Richland County, Illinois, designated as crossing AAR/DOT # 152 884D, Milepost 230.85-A.

Executed by the Department this 5th day of August 2003.

STATE OF ILLINOIS
DEPARTMENT OF TRANSPORTATION

By: Victor A. Modersohn
Director of Highways

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT SURVEY FORM

RR/Line CSX Milepost 230.85-A Inventory # 152 884D
City (N) Noble Street Clay Road (TR4) County Richland
Jurisdiction Twp. Urban Rural X Commercial Residential
Street Surface Gravel Width 15' Condition Fair
Angle 90° Tracks Tangent Yes Degree of Curve -- Superelevation --
Depth of Cut ----- Height of Fill -----

Crossing Surface

Track Centers	Elevation	Track	Type	Width	Condition
		Main	Rubber and asph.	24'	Fair
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

Intersecting Roads 100' None 200' None

Traffic Control Devices Present None

ADT 200 Speed unposted Statewide Yes

School buses Poss. Hazardous Materials Poss. Other

Rail Traffic: Ft. 14 @ 60 mph Pass. -- @ -- mph Switch

Simultaneous Movements No Daylight and Dark Yes

Present Warning Devices Cross bucks

Advance Warning Signs Yes Pavement Marking No

Visibility Study

Quad	Clearing Visibility	Obstruction	Stopping Visibility	Obstruction
NE	Ok		50'	Trees
NW	Ok			Ok
SE	Ok		50'	Trees
SW	Ok		50'	Trees

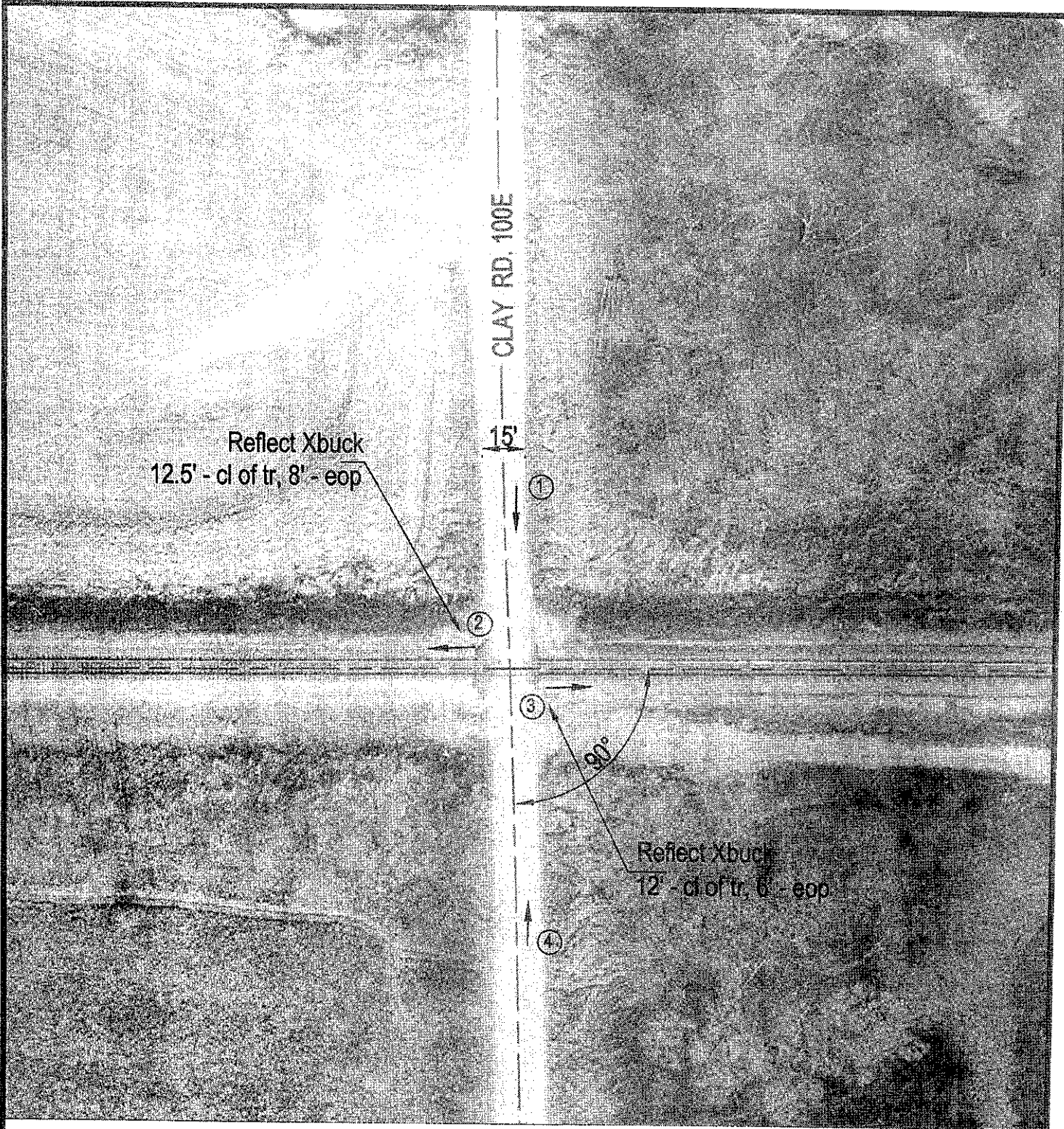
Approach Grades

North 25 ' 6.4 % 50 ' 8.4 % ' %

South 25 ' 3.6 % 50 ' 7.0 % ' %

Note: Existing highway approach grade do not meet minimum requirements of 92 Ill. Administrative Code 1535.

Comments: The Department included this project in its Highway/Rail Crossing Improvement Program. The cost to install the warning devices will be paid 100%, utilizing federal funds. The Department requested that the Grade Crossing Protection Fund be used to pay 100% of the highway approach improvement costs, since the Township Road district is in financial need. The Township Road District has submitted a copy of its yearly budget to the Commission's Transportation Division, Rail Section. The Richland County engineer states that any contribution to help pay for cost of the proposed improvements outlined in the Stipulated Agreement would hinder the Township Road district's ability to perform standard highway maintenance.

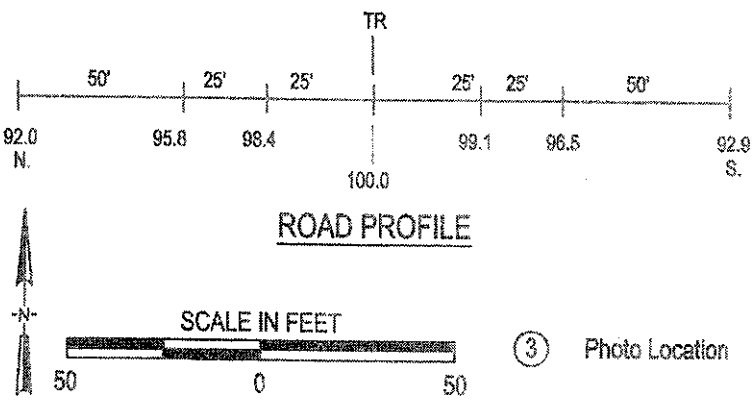


CLAY RD. 100E

Reflect Xbuck
12.5' - cl of tr, 8' - eop

Reflect Xbuck
12' - cl of tr, 6' - eop

Crossing #: 152884D
 Location: Richland Co., City of Noble (N)
 Lat/Long: 38°41'30" / 88°16'35"
 Railroad: CSX
 Street: Clay Rd. 100E
 Railroad Milepost: 230.85
 Crossing Protection: Signs



J:\RICHLAND\152884D\152884D.DWG 05/22/00 09:09 LPH

Estimate No. 104693
CSX Transportation
TR-4 - Install FLSG
Noble, IL

EXHIBIT B
PAGE 1

DOT: 152884D

OP: IL0094

CSX Project: IL2002009

Summary

Material	\$ 73,158
Sales Tax	\$ 5,670
Labor:	
Construction Labor (72 man-days).....	\$ 19,019
Shop Labor (10 man-days).....	\$ 1,600
Subsistence (72 man-days).....	\$ 7,560
Railroad Engineering, Preliminary	\$ 4,270
Railroad Engineering, Construction	\$ 2,853
Additives to Construction Labor	\$ 13,756
Additives to Shop Labor	\$ 1,451
Additives to Engineering	\$ 2,335
Equipment Expenses (15 work days).....	\$ 9,750
Waste Management (15 work days).....	\$ 180
Contract Engineering	\$ 12,047
Freight	\$ 5,589
Poleline Removal	\$
AC Power Service	\$ 3,000
Salvage	\$ 1
<hr/>	
TOTAL ESTIMATE COST	\$ 162,239

Date: 08/08/2003
Estimated By: Leonard Smith

NOTE: This estimate should be considered void one year from date of estimate.

CSX Transportation

OP Field Labor Estimate

IL2002009, IL0094

TR-4 - Install FLSG

Noble, IL

Preconstruction Labor

Setup Labor	2 man days
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Boring Team

Mobilization	4 man days
Installation	6 man days
TOTAL:	10 man days

Field Labor

Mobilization	5 man days
Installation	50 man days
Cut-In	5 man days
TOTAL:	60 man days

Shop Material List for CSX Project: IL2002009 (Effective: 08/08/2003)
INSTALL AUTOMATICALLY CONTROLLED FLASHERS AND GATES
Noble, IL - BC 230.85

Catalog Num	Cond	Unit Price	Qty	Cost Description
020-0003388	1	5980.52	1	5980.52 HOUSE 6X6L ALUM INCLUDES 5 SHELF, FARADAY CLOSET, 120V
020-0017120	1	12.37	6	74.22 BLOCK TERMINAL 12 WAY SINGLE STRIP AAR DWG 10544 MP 14.1.6
020-0017209	1	224.68	1	224.68 TRANSFORMER 010520-20X LIGHT 300 VA MOD SLT-20 SAFETRAN
020-0017311	1	22.26	4	89.04 RESISTOR 029602-52X ADJ 0.035 TO 1.50 OHMS SAFETRAN PL K326
020-0021965	1	9.05	1	9.05 EXTRACTOR DWG 59688-4 TERMINAL GRS CAT P3-308 REF
020-0022651	1	48.76	5	243.80 PLUGBOARD KIT TYPE B1 RELAY ASSY DWG 59686-5 GR1 WITH 22
020-0022701	1	67.37	27	1818.99 ARRESTER LPC 15012-1 0-30V DC OR 0-24V AC RATED AT 15 AMP
020-0025595	1	16.94	1	16.94 WRENCH DWG 55393-3 GR1 "E" TERMINAL POST NUT GRS CAT
020-0053360	1	404.39	3	1213.17 CHARGER BATTERY ELC 12/20 S 20 AMP 10-19.9 VDC ROTARY SW
020-0660075	1	355.10	1	355.10 ARRESTER GE 9L10KAA212 FOR APPLICATION ON 120 VOLT
020-0750090	1	4.93	3	14.79 NUT INSULATED SAFETRAN 023408-1X 1-3/16" FOR 120V AC
020-0770060	1	10.76	4	43.04 ARRESTER US&S N451552-0201 TRACK SERIES RED LABEL USGA
020-1940055	1	5.42	1	5.42 CONTAINER CIRCUIT PRINT 24" SCHEDULE 20 4" PVC PIPE WITH
020-2552460	1	6957.19	1	6957.19 DETECTOR HARMON 300608-200 PMD-3R SYSTEM W/8KHZ RSI AND
020-3430110	1	270.00	1	270.00 RELAY SAFETRAN 400004 4FB-2F-1B NEUTRAL 500 OHMS
020-3430115	1	518.40	1	518.40 RELAY SAFETRAN 400005 4FB HD-2FB NEUTRAL 500 OHMS CSX
020-3430135	1	399.60	1	399.60 RELAY SAFETRAN 400213 2FB SLOW RELEASE 460 OHMS CSX REF
020-3430170	1	393.47	1	393.47 RELAY SAFETRAN 400800-CSX 6FB HD POWER TRANSFER 100/100
020-3430185	1	371.00	1	371.00 RELAY SAFETRAN 400700-X 4FB FLASHER 60 OHMS COMPLETE WITH
020-4200100	1	5.93	3	17.79 CONNECTOR BUS 1" CENTERS 1/2" X 36" 18 GAGE PUNCHED 1/4" X
020-4200340	1	1.04	4	4.16 LINK TEST OFFSET LINK 1IN CENTERS INSULATED W/SPECIAL
020-4200360	1	4.47	9	40.23 LINK INSUL TEST 2-3/8" CENTERS CENTER CONTROL TEST
020-8000067	1	14.21	2	28.42 LOCK AMERICAN H10KA CSX SIGNAL PADLOCK W/BK CHROME
020-8100034	1	2421.90	1	2421.90 RECORDER EVENT HARMON HAWK ASSEMBLY COMPLETE WITH

Total Cost: \$ 21510.92

Field Material List for CSX Project: IL2002009 (Effective: 08/08/2003)
INSTALL AUTOMATICALLY CONTROLLED FLASHERS AND GATES
Noble, IL - BC 230.85

Catalog Num	Cond	Unit Price	Qty	Cost	Description
N/A		17.00	32	544.00	RAILING HARDWARE FOR CRIB WALLS
N/A		14.00	40	560.00	STEEL SUPPORTS FOR CRIB WALLS
020-0010442	1	10.30	2	20.60	ROD GROUND 5/8" X 8'
					SECTIONAL COPPERWELD JOSLYN
020-0010443	1	2.51	1	2.51	COUPLING BRONZE FOR 5/8"
					SECTIONAL COPPERWELD GROUND
020-0013686	1	31.96	3	95.88	BOOTLEG KIT CSX RAIL CONN
					W/15 FT 3/16 IN BDSTRAND 6/64
020-0013906	1	3.95	350	1382.50	CABLE UG 16 COND 6 NO 6 AWG
					SOLID C 10 NO 14 AWG SOLID C
020-0014335	1	5.28	1	5.28	CONNECTOR ONE SHOT 2-WAY TYPE
					GT GROUND ROD ERICO SGBT1161G
020-0014620	1	55.00	64	3520.00	WALL RETAINING CONCRETE
					PRECAST 2 HIGH X 4 LONG
020-0015287	1	8.54	1	8.54	LOCK SAFETRAN 030399-16X
					HEXAGON/SPANNER SCREW HEAD
020-0025145	1	440.75	2	881.50	SHUNT ENCLOSURE INTERRAIL P/N
					IRS-SE8 WAYSIDE MOUNT
020-0052475	1	3.30	4	13.20	ARM CCSX2719S SHORT EXTENSION
					7-1/4" LG ALUMINUM ALSO
020-0053245	1	1.00	150	150.00	CABLE UG 3 COND NO 9 AWG
					SOLID C CSX SPEC SS796 SHOW
020-0054073	1	164.58	2	329.16	BRACKET ASSY GATE ARM
					CONVERSION INCLS BRKT MTG
020-0055421	1	11.51	6	69.06	BRACKET SIGN 4" OR 5" MAST
					W/1/2" U-BOLT FOR ALL SIGNS
020-0056474	1	4530.37	2	9060.74	SIGNAL 0220 HWY CROSSING GATE
					ASSY DWG SS222 INCLS 18
020-0057275	1	0.61	350	213.50	WIRE UG TRK TWIST PAIR NO 6
					AWG SOL C NEOPRENE JKT CSX
020-1040302	1	139.04	13	1807.52	BATTERY GNB 50A07 ABSOLTE IIP
					160AH LA MAINTENANCE FREE
020-1040304	1	162.87	6	977.22	BATTERY GNB 50A11 ABSOLTE IIP
					265AH LA MAINTENANCE FREE
020-1360014	1	829.09	1	829.09	PACKAGE FOREMANS CARE FOR
					ALUMINUM TYPICAL BOM FOR USE
020-1360016	1	15.78	1	15.78	PACKAGE SAFETY & SECURMENT
					WITH 1 EA CAUTION TAG 1 EA
020-2060060	1	376.30	2	752.60	FOUNDATION ASSY 5'-7" HT TYPE
					S-2 SECTIONAL PRECAST
020-2531280	1	237.44	2	474.88	SHUNT HARMON 250250-267
					NBS-1-10 267HZ 10 FT LEADS
020-2531675	1	806.60	1	806.60	BOX HARMON 227117-000 TJC JCT
					387-1 ENCLOSURE FOR MOUNTING
020-2532006	1	471.96	2	943.92	COUPLER HARMON 227129-J03
					267HZ TJC FOR USE IN JUNCTION
020-3901895	1	81.00	2	162.00	TIP FLEX HWY CROSSING GATE 24
					IN LONG RED & WHITE STRIPES
020-3920200	1	185.88	1	185.88	BELL GCWD ELECTRONIC 4" OR 5"
					MAST 8 TO 13 VOLTS DC GSI PN
020-3930010	1	3.60	2	7.20	KIT GATE ARM WARNING STICKER
					KIT INCLUDES 1-EA 5"X3"
020-4200340	1	1.04	31	32.24	LINK TEST OFFSET LINK 1IN
					CENTERS INSULATED W/SPECIAL
020-4200900	1	0.20	6	1.20	CONNECTOR SHEATHING AMP
					329860 FOR NO. 14 WIRE
020-9999991	1	100.00	1	100.00	BLOCKING AND BRACING FOR
					PROJECTS BURCO DIST

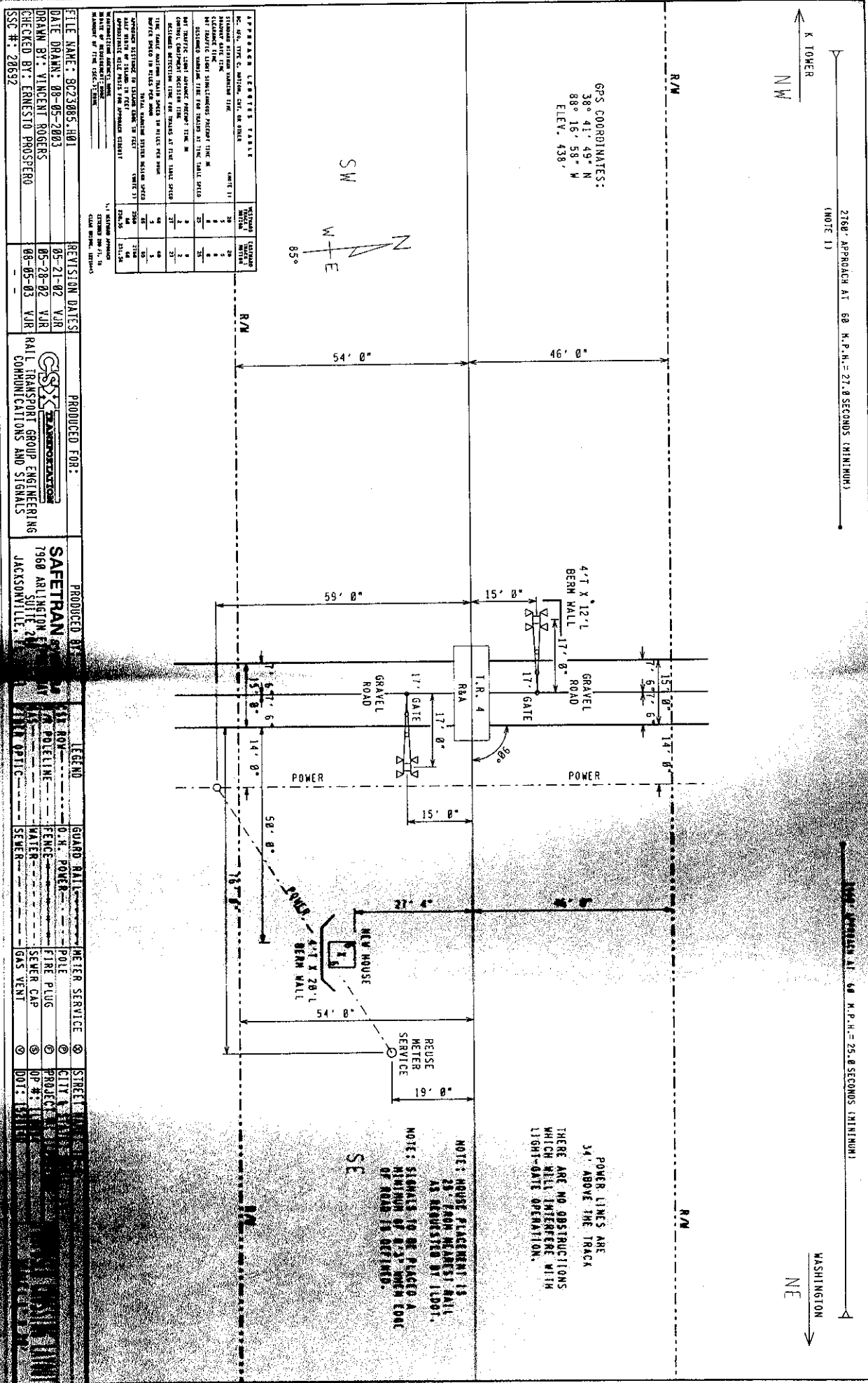
Field Material List for CSX Project: IL2002009 (Effective: 08/08/2003)
INSTALL AUTOMATICALLY CONTROLLED FLASHERS AND GATES
Noble, IL - BC 230.85

Catalog Num	Cond	Unit Price	Qty	Cost	Description
250-0010780	1	5.92	200	1184.00	CONDUIT GALV RIGID 4"STL 10 LENGTH W/TAPERED THREADS ON
360-0006100	1	33.44	1	33.44	STOOL STEP WOOD 14"X 20" SIGNAL MAINTAINERS CSXT
360-0800145	1	4.51	1	4.51	BROOM WAREHOUSE CORN HVY DUTY ID300
Total Cost: \$				25174.55	

Consumables List for CSX Project: IL2002009 (Effective: 08/08/2003)
INSTALL AUTOMATICALLY CONTROLLED FLASHERS AND GATES
Noble, IL - BC 230.85

Catalog Num	Cond	Unit Price	Qty	Cost Description
N/A		50.00	500	25000.00 FILL MATERIAL, 1 CUBIC YARD
N/A		800.00	1	800.00 WALKWAY ROCK, 10 CUBIC YARDS
020-0017605	1	0.18	350	63.00 WIRE CASE 10 AWG FLEX CSX SPEC SS796 OKONITE
020-0017607	1	0.46	500	230.00 WIRE CASE TW PR NO 10 AWG FLEX CSX SPEC SS796 TWIST 2
020-0017625	1	0.31	150	46.50 WIRE CASE TW PR NO 14 AWG FLEX CSX SPEC SS796 TWIST 2
020-0017630	1	0.10	200	20.00 WIRE CASE NO 16 AWG FLEX CSX SPEC SS796 FURN 1000 FT SPOOL
020-0017635	1	0.71	130	92.30 WIRE SIGNAL DEL 018 NO 6 COPPER STRANDED SINGLE
020-0028610	1	0.49	100	49.00 TERMINAL RING AMP 35628 YELLOW PLASTI-BOND HVY DUTY
020-3261970	1	8.91	2	17.82 DECAL ASSY 2" BLACK PRESSURE SENSITIVE VINYL PRE-MASKED
020-4200880	1	0.51	2	1.02 CONNECTOR TERMINAL 2-3/8" CENTERS AAR 14.1.15-4 NICKEL
020-4200892	1	0.42	27	11.34 CONNECTOR TERMINAL 1" CENTERS AAR 14.1.15-3 NICKEL PLATED
020-4251190	1	0.56	120	67.20 TERMINAL RING AMP 35627 BLACK PLASTI-BOND WIRE SIZE 10-12
020-4251290	1	0.62	30	18.60 TERMINAL WIRE AMP 322051 BLUE WIRE SIZE NO 6 AWG 1/4" STUD
020-4251295	1	0.55	6	3.30 TERMINAL WIRE AMP 322007 BLUE WIRE SIZE NO 6 AWG 3/8" STUD
020-9999992	1	50.00	1	50.00 HOUSE, SIGNAL HANDLING CHARGE, BURCO DISTRIBUTION
450-0019212	1	0.02	100	2.00 SCREW 10 X 1" SHT METAL PAN HD TYPE A COARSE THREAD

Total Cost: \$ 26472.08



RICHLAND COUNTY
HIGHWAY DEPARTMENT
OLNEY, ILLINOIS

RECEIVED
JUN 18 2003
Illinois Commerce Commission
RAIL SAFETY SECTION

GARY D. WENTHE, PE
County Engineer

EXHIBIT C
PAGE 1

SHELBY J. WEIDNER
Office Manager

June 17, 2003

Mr. Henry Humphries
Railroad Safety Specialist
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62701

Ref: Crossing Improvements
CSX - TR-4 Noble Road District - 152884D
CSX - TR-268 Claremont Road District - 152852X

Dear Henry:

Enclosed are three (3) copies each of profile sheets showing the existing and proposed grades at each location as referenced above. The sheets also show an estimate of cost (by day labor) for the improvements. Cross sections are to be as noted on the profile sheets.

Please contact this office if you need additional information.

Sincerely,

RICHLAND COUNTY



Gary D. Wenthe, P.E.
County Engineer

GDW/aw

Encs (6)

Location: TR4 Noble Road District - Richland Co
CSX AAR
152 884 D
by Gary Leienthe, Richland Co Engr 6/17/03

"PERFECT" CROSS SECTION
10:10 - ONE INCH
DIETZEN

